

JOSHUA ALLEN SILVERMAN, )  
)  
Plaintiff, )  
)  
-vs- ) Case No. CIV-15-1093-F  
)  
PRISONER TRANSPORTATION )  
SERVICES OF AMERICA, LLC (PTS), )  
et al., )  
)  
Defendants. )

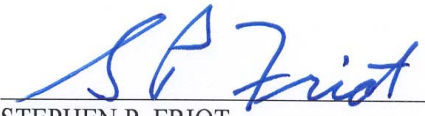
Plaintiff, who appears *pro se* and whose pleadings are liberally construed, initiated a civil rights complaint under 42 U.S.C. § 1983.

The Report advised the parties of the right to file an objection to the Report with the clerk of this court by May 16, 2016. The Report further advised that failure to make timely objection to the Report waives the right to appellate review of both factual and legal issues contained in the Report. No party has filed an objection or

response to the Report, nor has any party sought an extension of time within which to file an objection or response.

After review of the issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, the Report and Recommendation of Magistrate Judge Mitchell is **ACCEPTED, ADOPTED and AFFIRMED**. As recommended, the motion to dismiss is **DENIED IN PART and GRANTED IN PART**, as follows. Defendants' motion to dismiss is **DENIED** to the extent that it seeks dismissal of the entire complaint based on the statute of limitations and plaintiff's failure to allege more than a *de minimis* physical injury under the PLRA. The motion is **GRANTED** to the extent that the court **DISMISSES**, without prejudice, plaintiff's claim for compensatory damages. Service on defendants Blythe and Victory is **QUASHED**, and plaintiff will be given an opportunity to re-attempt service on those parties.<sup>1</sup> This matter is **RE-REFERRED** to the Magistrate Judge for all proceedings consistent with the original referral.

DATED this 15<sup>th</sup> day of June, 2016.

  
STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The Report notes that if the court adopts the recommendation and re-refers the case, the Magistrate Judge anticipates ordering defense counsel to provide the court with home addresses for defendants Blythe and Victory, under seal, so that the U.S. Marshals Service can re-attempt service for the plaintiff.